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ABSTRACT

This report looks at what happens to individuals arrested at the federal level for drug crimes, including the number of drug offenders who are prosecuted and convicted, the types of sentences they receive, the amount of time they actually serve in prisons, and their rates of recidivism after release from prison. Data are presented which indicate that the number of federal criminal cases involving drug offenders as well as the sanctions against them increased dramatically during the years from 1980 through 1986; more offenders were being imprisoned and for longer periods of time in 1986. The number of defendants charged with federal drug law violations who were convicted in federal courts in 1986 (N=12,285) is reported to be an increase of 134% over the number of convictions in 1980. Other findings are highlighted and information is provided on arrests, investigations and case filings, pretrial detention and release, convictions, case disposition, sentencing, probation and fines, sentence length, time served in prison, and recidivism of released prisoners. A methodology section is included. Appendix tables present data on the conviction and sentencing of federal offenders based on the type of offense at conviction; separate misdemeanor convictions from felony convictions; and present data on imposed sentence lengths excluding certain split sentences. (NB)

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Federal Offenses and Offenders

Drug Law Violators, 1980-86

CG 021288

During 1986, 12,285 defendants charged with Federal drug law violations were convicted in Federal courts--an increase of 134% over the number of convictions in 1980. By contrast, convictions of persons charged with other types of offenses increased 27%.

Among convicted offenders charged with drug violations, the percent who were sentenced to incarceration increased from 71% in 1980 to 77% in 1986. Average prison sentences for drug offenders increased 33%, from less than 4 years to more than 5 years. Prison sentences for persons charged with drug offenses were longer, on average, than for all other categories of convicted Federal offenders except those charged with violent crimes.

Other findings include:

• Criminal charges were filed in Federal District Court against 80% of all suspected drug offenders in matters referred to U.S. attorneys during the 12 months preceding September 30, 1986. This was a higher filing rate than for all other categories of crime.

• Among suspected drug offenders referred to U.S. attorneys, 87% were alleged to have distributed or manufactured drugs illegally, 9% were suspected of importing drugs into the country, and 4% were suspected of illegal possession without intent to distribute.

• About 38% of persons arrested for Federal drug law violations were detained in jail for 2 or more days prior to trial. Only those arrested for a violent offense were more likely to be detained. In addition, those charged with drug offenses were the least likely to be released on their own recognizance or on unsecured bond.

• The increase in convictions for people charged with drug offenses accounted for 51% of the increase in all Federal convictions during the 1980-86 period.

• More than three-fifths of all Federal drug law offenders convicted in 1986 were charged with offenses involving heroin or cocaine. Convictions of persons charged with heroin or cocaine violations increased 190% during the 1980-86 period.

• Convicted drug offenders were fined or sentenced to probation without prison less frequently than all other types of offenders except those charged with violent crimes.

• Drug offenders sentenced to maximum prison terms of 1 year or more served an average of 3 years and 3 months in prison--about 59% of their sentenced terms.

• Within 3 years after their first release from Federal prison, 7% of drug offenders had been returned to Federal prison, compared to 13% of offenders charged with violent crimes and 12% of offenders charged with property crimes.

June 1988

Few issues have received as much attention recently as has drug abuse. Several recent public opinion polls indicate that it is the number one concern of the American people. This report looks at what happens to those arrested at the Federal level for drug crimes, including the number of drug offenders who are prosecuted and convicted, the types of sentences they receive, the amount of time they actually serve in prison, and their rates of recidivism after release from prison.

The data indicate that the number of Federal criminal cases involving drug offenders as well as the sanctions against them increased dramatically during the 1980-86 period. More offenders are being imprisoned and for longer periods of time.

We hope that this report will be useful to everyone interested in Federal drug policy. We gratefully acknowledge the cooperation and assistance of the Administrative Office of the U.S. Courts, the Executive Office for U.S. Attorneys, the U.S. Parole Commission, the Bureau of Prisons, and the Drug Enforcement Administration in the preparation of this report.

Steven R. Schlesinger
Director

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Arrests

Federal, State, and local agencies share responsibility for enforcing the Nation's drug laws. Although the great majority of arrests are made by State and local authorities (more than 600,000 for drug law violations in 1986), 21,188 drug suspects were arrested by the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI) during the 12 months preceding September 30, 1986.[1] Federal agents also participated in joint Federal/State efforts leading to the arrest of suspects by State or local officials.

Persons arrested by Federal agents on drug charges who were interviewed by the Pretrial Services Agency during 1986 were somewhat more likely than those arrested on non-drug offenses to be men (86% vs. 82%, table 1). They were also more likely to be white (79% vs. 67%) and were more often Hispanic (31% vs. 19%). Those arrested on drug charges were slightly less likely than those arrested for other offenses to be over 30 years old (56% vs. 59%). Persons charged under the general trafficking and miscellaneous drug offenses category (usually organized crime activities that could not be classified specifically as distribution or importation) were more likely to be older than 30 (81%) than those charged with importing (65%) or simple possession (47%).

Those charged with distributing or manufacturing drugs were almost as likely to have attended some college as those charged with non-drug offenses (27% vs. 29%). Those charged with importing drugs were more likely to have had some college (33%), and those charged with drug possession were least likely (21%).

Investigations and case filings

Twenty percent of all suspects (19,646 persons or organizations) in matters referred to U.S. attorneys during the 12 months ending September 30, 1986, were suspected of violating Federal drug laws (table 2). Among these, 87% were alleged to have distributed or manufactured drugs illegally, 9% were suspected of importing drugs into the country, and 4% were suspected of illegal possession without intent to distribute.[2]

Federal criminal charges were filed in district court against 80% of all suspects investigated in drug matters that were closed by U.S. attorneys during the year ending September 30, 1986 (table 3). This was a higher rate than for any other alleged criminal violations. Overall, during this same period Federal criminal charges were filed in district court against 52% of all other types of suspects.

U.S. attorneys declined to prosecute 17% of suspects in drug-related matters closed during the 12 months preceding September 30, 1986. (A criminal matter is any investigation requiring at least 1 hour of time by a U.S. attorney.) The remaining 3% of suspects involved in drug-related matters were prosecuted before U.S. magistrates. Of all types of drug-related matters, those involving allegations of illegal possession were the most likely to be referred to magistrates (12%).

Table 2. Suspects in Federal criminal matters referred to U.S. Attorneys, October 1, 1985, to September 30, 1986

Offense	Suspects	
	Number	Percent
All offenses	97,031	100%
Drug offenses	19,646	20%
Distribution/ manufacture	17,067	18
Importation	1,789	2
Possession	688	1
General trafficking/ miscellaneous	102	--
Non-drug offenses	77,385	80%
Violent	4,428	5
General property	4,616	5
Fraudulent property	26,400	27
Regulatory	7,590	8
Public-order	23,430	24
Conspiracy, aiding and abetting, and other	10,921	11

Note: Percents may not equal totals because of rounding.
--Less than .5%.

Pretrial detention and release

With the exception of persons charged with violent crimes, those charged with drug offenses were more likely than other defendants to be detained prior to trial, either because they were not able to post bail or because suspects were held in pretrial detention without bail (table 4). Thirty-eight percent of all defendants charged with drug violations who were interviewed by the Pretrial Services Agency during 1986 were detained 2 or more days, compared to 27% of those charged with other types of crimes. Of those released prior to trial, defendants facing drug charges

[1] State and local data from FBI, Crime in the United States, 1986 (Washington, D.C.: 1987), table 38; FBI data from Drug Section, Criminal Investigation Division, FBI Headquarters; DEA arrests from DEA, Annual Statistical Report, 1986.

[2] Fewer than 1% of all cases involved the illegal manufacture of controlled substances; throughout this report these are combined into a single category with illegal distribution.

Table 1. Characteristics of persons arrested for Federal offenses, by offense, 1986

Offense	Percent of persons arrested										
	Sex		Race			Ethnicity		Age		Education	
	Male	Female	White	Black	Other	Hispanic	Non-Hispanic	30 and under	Over 30	No college	Attended college
All offenses	83%	17%	71%	25%	4%	23%	77%	42%	58%	72%	28%
Drug offenses	86%	14%	79%	19%	2%	31%	69%	44%	56%	73%	27%
Distribution/ manufacture	86	14	81	18	2	30	70	44	56	73	27
Importation	83	17	81	15	4	38	62	35	65	67	33
Possession	90	10	60	39	1	38	62	53	47	79	21
General trafficking/ miscellaneous	90	10	83	--	--	--	--	19	81	77	23
Non-drug offenses	82%	18%	67%	28%	4%	19%	81%	41%	59%	71%	29%
Violent	93	7	52	32	16	9	91	52	48	80	20
General property	82	18	57	39	4	11	89	47	53	79	21
Fraudulent property	73	27	63	35	2	11	89	37	63	64	36
Regulatory	85	15	81	15	4	22	78	37	63	66	34
Public-order	89	11	81	16	3	37	63	40	60	75	25
Number of cases	31,660		23,404			23,404		31,347		22,225	

Note: Data describes 31,660 defendants interviewed by the Pretrial Services Agency in 1986. Twenty-six percent of interviews did not record race or ethnicity; 30% did not record educational level.
--Too few cases to obtain statistically reliable data.

Table 3. Disposition of suspects in Federal criminal matters closed by U.S. Attorneys, by offense, October 1, 1985, to September 30, 1986

Offense	Percent of suspects in matters closed by U.S. Attorneys: Total	Case filed in U.S. District Court	Prosecution declined	Referred to U.S. Magistrate for disposition	Number of suspects
All offenses	100%	58%	28%	15%	86,055
Drug offenses	100%	80%	17%	3%	18,106
Distribution/ manufacture	100	80	17	3	15,535
Importation	100	86	11	3	1,793
Possession	100	78	10	12	683
General trafficking/ miscellaneous	100	77	23	0	95
Non-drug offenses	100%	52%	30%	18%	67,949
Violent	100	68	27	5	3,946
General property	100	57	28	15	3,975
Fraudulent property	100	54	42	4	21,684
Regulatory	100	38	53	9	6,452
Public-order	100	43	19	38	21,239
Conspiracy, aiding and abetting, and other	100	65	19	16	10,653

Note: Percents may not equal 100% because of rounding.

were more often required to post bail (44% vs. 15%). Correspondingly, a smaller proportion of all defendants charged with drug crimes were released on their own recognizance (13%) than defendants charged with other crimes (27%).

The Bail Reform Act of 1984 specifically authorizes pretrial detention without bail for defendants charged with serious drug offenses and establishes a rebuttable presumption that such detention is appropriate where there is probable cause to believe that a defendant has committed such an offense. Consistent with the act, defendants charged with drug offenses were among the most likely to be held on pretrial detention without bail.

Twenty-five percent of persons charged with serious drug law violations (carrying a maximum sentence of 10 years or more) and 23% of those charged with other drug charges were held without bail in 1985. Only persons charged with violent crimes and immigration offenses were detained without bail until trial at a higher rate.[3]

Convictions

The total number of persons convicted of Federal offenses increased from 29,952 in 1980 to 43,802 in 1986, an increase of 46% (table 5). Over the same period, convictions of persons charged with drug offenses increased from 5,244 to 12,285. This represented an increase of 134% and accounted for 51% of the increase in all Federal convictions. (Offenders are classified in the body of this report by the most serious charge filed against them rather than the charge at conviction. See appendix table 1 for the number of convictions by charge at conviction for each offense.)

Among persons charged with non-drug offenses, convictions remained essentially stable between 1980 and 1986 for violent crimes, most property offenses, and regulatory offenses. There was a substantial increase, however, in convictions of persons charged with fraud-related property crimes (49%) and public-order offenses (30%).

Throughout the 1980-86 period, among convicted offenders charged with drug crimes, most were charged with offenses other than simple possession. However, convictions of persons charged with simple possession rose sharply, from 302 convictions in 1980 to 1,353 in 1982, and remained roughly constant in the remaining years of the period. The early increase in convictions for possession of drugs may have been caused by a heightened Federal attention to all drug cases and the rapid expansion of Federal resources for drug prosecutions, which may have resulted in fewer deferrals of simple possession cases to local prosecutors.

Crimes involving heroin and cocaine were the primary targets of Federal law enforcement efforts during the 1980-86 period. Among drug law violators convicted in 1980, 51% were charged with heroin or cocaine violations (table 6). Following a decrease in 1981 and 1982, the percent of convicted drug violators charged with heroin or cocaine violations increased steadily to 63% in 1986. The percent of convicted drug offenders charged with marijuana violations was 24% in 1980; it increased to 40% in 1982 and decreased to 26% in 1986.

Among offenders charged with marijuana violations in 1986, 70% were charged with distribution, manufacture, or importation (table 7). The remaining 30% were charged with simple possession. This represented 78% of all convicted offenders charged with drug possession during that year.

[3] See Pretrial Release and Detention: The Bail Reform Act of 1984, BJS Special Report, NCJ-109929, February 1988. The Bail Reform Act specifically provides that suspects arrested on immigration charges be held for possible referral to immigration authorities.

Table 4. Frequency and conditions of pretrial release for Federal defendants, by offense, 1986

Offense	Percent of defendants who were: Total	Not detained[b]	Detained[c]	Percent of released defendants who were released on:[a] Total	Own recognizance	Unsecured bond	Financial conditions
All offenses	100%	69%	31%	100%	22%	53%	24%
Drug offenses	100%	62%	38%	100%	13%	44%	44%
Distribution/ manufacture	100	61	39	100	11	44	44
Importation	100	68	32	100	7	49	44
Possession	100	67	33	100	38	35	27
General trafficking/ miscellaneous	100	59	41	100	14	18	68
Non-drug offenses	100%	73%	27%	100%	27%	58%	15%
Violent	100	49	51	100	32	45	23
General property	100	77	23	100	24	63	13
Fraudulent property	100	85	15	100	28	62	11
Regulatory	100	81	19	100	30	53	17
Public-order	100	64	36	100	24	53	23

Note: Data describe 31,660 defendants interviewed by the Pretrial Services Agency during 1986. Percents may not equal 100% because of rounding.

[a] Includes only defendants who were released at their initial hearing.

[b] Includes defendants never detained prior to trial or detained less than 2 days.

[c] Includes only defendants detained 2 or more days prior to trial.

Table 5. Number of Federal defendants convicted, by offense, 1980-86

Offense[a]	Number of defendants convicted							Percent change 1980-86	Percent of all defendants convicted						
	1980	1981	1982	1983	1984	1985	1986		1980	1981	1982	1983	1984	1985	1986
All offenses	29,952[b]	31,819	34,245	37,295	39,071[c]	40,649[d]	43,802[e]	46%	100%	100%	100%	100%	100%	100%	100%
Drug offenses	5,244	6,067	7,152	7,929	9,175	10,500	12,285	134%	18%	19%	21%	21%	23%	26%	28%
Distribution/ manufacture	4,537	4,801	5,429	6,289	7,389	8,712	10,564	133	15	15	16	17	19	21	24
Importation	367	355	347	376	331	334	358	-2	1	1	1	1	1	1	1
Possession	302	874	1,353	1,218	1,378	1,313	1,225	306	1	3	4	3	4	3	3
General trafficking/ miscellaneous	38	37	23	46	77	141	138	263	—	—	—	—	—	—	—
Non-drug offenses	24,707	25,752	27,093	29,336	29,893	30,049	31,447	27%	82%	81%	79%	79%	77%	74%	72%
Violent	2,271	2,404	2,512	2,282	2,337	2,366	2,315	2	8	8	7	6	6	6	5
General property	3,808	3,736	3,864	4,326	4,288	4,226	3,948	4	13	12	11	12	11	10	9
Fraudulent property	7,146	7,450	9,025	9,419	8,971	9,038	10,617	49	24	23	26	25	23	22	24
Regulatory	1,535	2,040	1,516	1,605	1,645	1,845	1,647	7	5	6	4	4	4	5	4
Public-order	9,947	10,122	10,176	11,734	12,652	12,574	12,920	30	33	32	30	31	32	31	29

Note: Percents may not equal 100% because of rounding.
—Less than .5%.
[a]Offenses categorized according to offense charged at filing.
[b]Includes one offender whose offense type could not be determined.
[c]Includes three offenders whose offense type could not be determined.
[d]Includes 100 offenders whose offense type could not be determined.
[e]Includes 70 offenders whose offense type could not be determined.

Table 6. Convictions of persons charged with Federal drug law violations, by type of drug, 1980-86

Offense	Number of convictions							Percent change 1980-86	Percent of convictions						
	1980	1981	1982	1983	1984	1985	1986		1980	1981	1982	1983	1984	1985	1986
All types	5,244	6,067	7,152	7,929	9,175	10,500	12,285	134%	100%	100%	100%	100%	100%	100%	100%
Heroin/cocaine	2,677	2,714	2,997	3,624	4,660	5,910	7,769	190	51	45	42	46	51	56	63
Marijuana	1,267	2,204	2,839	3,070	3,285	3,261	3,221	154	24	36	40	39	36	31	26
Other*	1,300	1,149	1,316	1,235	1,230	1,329	1,295	0	25	19	18	16	13	13	11

Note: Percents may not equal 100% because of rounding.
*Includes both offenses involving controlled substances other than heroin, cocaine, or marijuana and offenses involving various combinations of drugs.

Almost all convicted offenders charged with heroin or cocaine violations were charged with distributing or manufacturing these drugs (96%). Because these drugs are usually manufactured beyond U.S. borders, most of the offenders in this category were charged with illegal distribution. In addition, some proportion of those charged with distributing various combinations of drugs may have been involved in heroin or cocaine transactions, although the number of these offenders cannot be determined from the data.

Case disposition

Defendants in drug cases reaching disposition during 1986 were slightly more likely to be convicted than those in non-drug cases (table 8). Eighty-four percent of all defendants whose most serious charge was for a drug law violation were convicted, compared to 80% of those charged with other types of crimes. The percentage of defendants pleading guilty was the same for both groups (71%), but the percentage found guilty at trial differed (13% for drug offenders vs. 9% for others).

Among defendants in Federal cases terminated in 1986, those charged with general trafficking or miscellaneous drug offenses had the lowest dismissal rate (9%) and were most likely to go to trial (25%). Among those going to trial, they were most likely to be convicted (96%). In 1986, 94% of those in this category were charged with operating continuing criminal enterprises. The high trial rate in this category may reflect the complexity of these cases or the fact that, if convicted of these charges, defendants would be subject to longer prison sentences than persons convicted under other Federal drug statutes. The high conviction rate at trial appears to reflect the high priority that the U.S. attorneys' offices and investigative agencies give to these cases. In comparison, for example, 25% of defendants charged with possession had their cases dismissed in 1986.

Table 7. Convictions of persons charged with Federal drug law violations, by type of drug and nature of offense, 1986

Offense	Percent of convictions by type of drug		
	Heroin/ cocaine	Marijuana	Other*
All offenses	100%	100%	100%
Distribution/manufacture	96%	64%	83%
Importation	2	6	1
Possession	2	30	6
General trafficking/miscellaneous	0	0	11
Total number of cases	7,769	3,221	1,295

Note: Percents may not equal 100% because of rounding.
*Includes both offenses involving controlled substances other than heroin, cocaine, or marijuana and offenses involving various combinations of drugs.

Table 8. Dispositions of Federal defendants, by offense, 1986

Offense	Percent of defendants in cases concluded in 1986 who were: Convicted: Total	Convicted: By plea	Convicted: By trial	Not convicted: Total	Not convicted: Dismissed	Not convicted: Acquitted	Number of defendants
All offenses	81%	71%	10%	19%	16%	3%	54,007*
Drug offenses	84%	71%	13%	16%	13%	3%	14,699
Distribution/ manufacture	85	72	13	14	11	3	12,358
Importation	79	63	16	20	17	3	451
Possession	70	60	10	29	25	4	1,738
General trafficking/ miscellaneous	91	67	24	9	9	1	152
Non-drug offenses	80%	71%	9%	20%	17%	3%	39,278
Violent	82	68	15	17	14	4	2,815
General property	80	71	8	20	17	3	4,964
Fraudulent property	86	79	7	14	11	2	12,324
Regulatory	76	64	11	24	19	5	2,179
Public-order	76	67	9	24	20	3	16,996

Note: Percents may not equal totals because of rounding.

*Includes 100 defendants whose offense type could not be determined.

Table 9. Percent of convicted Federal offenders sentenced to any period of incarceration, by offense, 1980-86

Offense	Percent of offenders sentenced to incarceration: 1980	1981	1982	1983	1984	1985	1986
All offenses	46%	48%	51%	50%	49%	50%	52%
Drug offenses	71%	72%	73%	72%	72%	75%	77%
Distribution/ manufacture	74	76	79	78	77	79	80
Importation	61	72	78	75	85	81	78
Possession	21	44	47	36	43	44	43
General trafficking/ miscellaneous	29	59	87	87	84	90	94
Non-drug offenses	41%	42%	45%	44%	42%	42%	43%
Violent	82	85	85	85	83	81	82
General property	44	44	48	46	46	43	45
Fraudulent property	42	43	44	41	38	40	42
Regulatory	25	25	27	30	30	31	34
Public-order	31	34	39	39	37	36	38

Table 10. Federal offenders charged with drug law violations who were sentenced to incarceration, by type of drug, 1980-86

Type of drug	Percent of drug offenders sentenced to incarceration: 1980	1981	1982	1983	1984	1985	1986
All types	71%	72%	73%	72%	72%	75%	77%
Heroin/cocaine	76	78	79	80	79	80	81
Marijuana	63	65	66	62	62	66	66
Other*	71	73	73	71	74	77	78

*Includes both offenses involving controlled substances other than heroin, cocaine, or marijuana and offenses involving various combinations of drugs.

Sentencing

Overall, the percent of convicted offenders charged with Federal drug offenses who were sentenced to some period of incarceration increased from 71% to 77% between 1980 and 1986 (table 9). These offenders were also more likely to be sentenced to incarceration than were non-drug offenders. For every year after 1980, incarceration rates for all drug offenders except those charged with possession were higher than incarceration rates for all types of non-drug offenders except those charged with a violent crime.

Between 1980 and 1981 there were substantial increases in the percentages of convicted drug offenders charged with distribution or manufacture, possession, or general trafficking who were sentenced to incarceration. Between 1981 and 1986, the likelihood of incarceration remained essentially stable for persons charged with distribution or possession, but it continued to increase for offenders charged with general trafficking or miscellaneous drug offenses (from 59% to 94%). From 1982 onwards, increasing numbers of offenders in this latter category were prosecuted under the organized crime provisions of the Federal Criminal Code, and a large proportion of those convictions resulted in imprisonment.

Throughout the 1980-86 period, incarceration rates were highest for convicted offenders charged with heroin or cocaine violations (table 10). There was a slight increase from 1980 to 1986 in incarceration rates for this category of offenders (from 76% to 81%). Offenders charged with marijuana offenses were least likely to be sentenced to incarceration, although rates of incarceration for this type of offense were high relative to non-drug offenses.

Probation and fines

The higher rates of incarceration for offenders charged with drug offenses, compared to non-drug offenses, resulted in a much lower use of probation and fines. Among drug offenders sentenced in 1986, for example, 77% received some term of incarceration; 22% were sentenced to probation without incarceration (table 11). Some offenders in both groups were also fined. Among non-drug offenders approximately the same percentage received sentences to incarceration and probation without incarceration. Moreover, except for offenders charged with possession, fines alone were almost never imposed in drug cases. In contrast, fines were the sole sanction for 13% of all non-drug offenders. (See appendix table 2 for comparable data by type of offense at conviction.)

Convicted offenders charged with general drug trafficking or with distributing or manufacturing drugs were most likely to be sentenced to some term of imprisonment, although about a quarter of these sentences combined an imprisonment term, generally short, with subsequent probation supervision. Although slightly fewer persons charged with illegal importation received incarceration sentences, a smaller proportion of these sentences involved probation. Persons charged with possession alone were least likely to be sentenced to a term of any incarceration (44%), compared to other drug offenders, and most likely to receive either a term of probation without incarceration (46%) or a fine only (10%).

Table 11. Sentencing of Federal offenders, by offense, 1986

Offense	Percent of convicted offenders sentenced to: Incarceration* Total	Incarceration only	Incarceration plus probation	Probation*	Fine only
All offenses	53%	36%	17%	38%	10%
Drug offenses	77%	59%	18%	22%	1%
Distribution/ manufacture	81	61	19	19	--
Importation	78	67	11	22	--
Possession	44	36	8	46	10
General trafficking/ miscellaneous	94	77	17	5	1
Non-drug offenses	43%	27%	17%	44%	13%
Violent	83	70	13	16	2
General property	45	28	17	47	8
Fraudulent property	42	22	19	56	2
Regulatory	35	21	14	51	14
Public-order	38	23	15	36	26

Note: Percents may not equal totals because of rounding.
--Less than .5%.
*May include fines.

Table 12. Average length of incarceration sentences for Federal offenders, by offense, 1980-86

Offense	Average sentence length 1980	1981	1982	1983	1984	1985	1986	Percent change 1980-86
All offenses	41 mos.	44 mos.	45 mos.	44 mos.	45 mos.	49 mos.	51 mos.	24%
Drug offenses	46 mos.	49 mos.	54 mos.	54 mos.	55 mos.	57 mos.	61 mos.	33%
Distribution/ manufacture	47	50	57	56	57	56	60	28
Importation	43	50	55	46	52	64	66	53
Possession	16	20	28	26	29	39	45	181
General trafficking/ miscellaneous	23	128	123	216	163	171	195	748
Non-drug offenses	39 mos.	42 mos.	42 mos.	39 mos.	40 mos.	44 mos.	44 mos.	13%
Violent	117	129	129	123	127	129	127	9
General property	31	32	33	36	33	33	34	10
Fraudulent property	25	25	27	27	25	29	31	24
Regulatory	26	29	26	53	34	41	43	65
Public-order	22	24	25	23	24	28	31	41

Note: Includes all incarceration sentences except life and other indeterminate sentences.

Table 13. Median length of incarceration sentences for Federal offenders, by offense, 1980-86

Offense	Median sentence length 1980	1981	1982	1983	1984	1985	1986	Percent change 1980-86
All offenses	24 mos.	24 mos.	24 mos.	24 mos.	24 mos.	24 mos.	30 mos.	25%
Drug offenses	36 mos.	36 mos.	36 mos.	36 mos.	36 mos.	36 mos.	42 mos.	17%
Distribution/ manufacture	36	36	36	36	36	36	42	17
Importation	36	36	36	36	48	36	48	33
Possession	6	18	24	24	30	32	36	500
General trafficking/ miscellaneous	18	60	120	138	120	120	144	700
Non-drug offenses	18 mos.	15 mos.	18 mos.	18 mos.	18 mos.	18 mos.	24 mos.	33%
Violent	96	120	120	96	120	96	108	13
General property	18	18	24	24	24	24	24	33
Fraudulent property	12	12	12	12	12	15	18	50
Regulatory	6	6	6	12	12	18	24	300
Public-order	9	12	12	12	12	12	12	33

Note: Includes all incarceration sentences except life and other indeterminate sentences.

Sentence length

Among offenders sentenced to determinate periods of incarceration, either alone or together with probation or a fine, average sentence length for those charged with drug offenses increased from 3 years and 10 months in 1980 to 5 years and 1 month in 1986--an increase of 33% (table 12). (See appendix table 3 for data on sentence lengths based on the charge at conviction.) The median length of imposed prison sentences increased 17%, from 3 years to 3½ years (table 13).

For all years after 1980, the longest incarceration terms were imposed on offenders charged with general trafficking under organized crime statutes. The steep rise in both median and average sentence lengths after 1980 among those charged with general trafficking or miscellaneous drug offenses reflects the increasing predominance of organized crime offenders in this category and the increased use of statutes requiring stiffer sentences for these offenders. Overall, average incarceration terms for persons in this category increased 748% between 1980 and 1986.

Excluding prisoners sentenced to 6 months or less of incarceration as a condition of probation, the average court-imposed sentence for drug offenders was 5 years and 10 months in 1986; the average for non-drug offenders was 4 years and 10 months (see appendix table 4).

Drug law offenders constitute a growing proportion of Federal prison admissions (34% of all admissions in the 12 months preceding September 30, 1986, compared to 22% in the same period in 1980).[4] The growing proportion of all convicted defendants charged with drug-related crimes, the rising incarceration rates of these persons, and the longer sentences imposed have had an impact on the population levels in the Federal prison system. The U.S. Sentencing Commission estimates that the Federal prison population will increase from the 1987 level of 42,000 inmates to between 61,000 and 78,000 inmates by 1997 if the 1982-86 sentencing trends continue. Moreover, the Commission estimates that the 1986 Anti-Drug Abuse Act, if fully implemented, will increase the prison population even further, to between 85,000 and 108,000 inmates.[5]

[4] U.S. Department of Justice, Bureau of Prisons, Annual Statistical Report, Fiscal 1980 and 1986.

[5] See U.S. Sentencing Commission, Supplementary Report on the Initial Sentencing Guidelines and Policy Statements (Washington, D.C.: 1987), chapter 7.

Time served in prison

Among adult offenders sentenced to incarceration terms of more than 1 year who were released prior to January 1, 1987, and had their initial parole hearing between July 1, 1979, and June 30, 1980, persons charged with drug offenses served an average of 3 years and 3 months. This was about 59% of their court-ordered maximum sentences. Offenders who received sentences of between 1 and 5 years served an average of 2 years and 1 month (70% of their sentences); offenders receiving sentences of between 15 and 20 years served an average of 7 years and 4 months (39% of their sentences).[6]

Parole guidelines governing release of drug offenders were changed in 1987. Under the amended guidelines, drug offenders will be required to serve longer portions of their sentences.

Recidivism of released prisoners

Offenders who were released after being imprisoned for drug offenses were less likely than all other types of offenders to be returned to Federal prison either for violating parole conditions or for committing a new Federal crime (table 14). However, this may not reflect the full extent of recidivism among released Federal drug offenders. An additional number may have been convicted of State or local crimes and subsequently incarcerated in State or county facilities after release from Federal prison. Such offenders are not included in these data.

[6]See Sentencing and Time Served: Federal Offenses and Offenders, BJS Special Report, NCJ-101043, June 1987, table 3.

Table 14. Proportion of released Federal prisoners returned to prison, by offense

Offense of incarceration	Percent returned to prison within 1 year	Percent returned to prison within 3 years
All offenses	2.5%	9.2%
Drug offenses	1.4%	6.9%
Non-drug offenses	3.0%	10.3%
Violent	3.7	12.8
General property	3.4	11.7
Fraudulent property	2.5	8.9
Regulatory	2.0	--
Public-order	1.8	5.9

Note: Estimates based on all Federal prisoners whose prison terms started later than September 1977 and who were first released prior to July 1986. Percents returned include all those returned to Federal prison for violating terms of parole or committing a new Federal crime.
--Too few cases to obtain statistically reliable data.

Appendix table 1. Felony and misdemeanor charges at conviction for Federal offenders, by charge level and conviction offense, 1986

Offense	Percent of offenders convicted of a: Total	Felony	Misdemeanor	Number of offenders
All offenses	100%	72%	28%	43,802
Drug offenses	100%	90%	10%	11,945
Distribution/manufacture	100	100	--	8,231
Importation	100	100	0	955
Possession	100	29	71	1,631
General trafficking/ miscellaneous	100	98	2	128
Non-drug offenses	100%	66%	34%	31,857
Violent	100	92	8	2,186
General property	100	67	33	4,012
Fraudulent property	100	84	16	10,494
Regulatory	100	60	40	2,002
Public-order	100	47	53	13,163

--Less than .5%.

Within the first 12 months after their first release from prison, an estimated 1.4% of drug offenders were returned to Federal prison, compared to 3% of all other Federal prisoners. Three years after their first release from Federal prison, 7% of drug offenders and 10% of other prisoners had been returned to prison.

After 1 year, drug offenders' recidivism rates were significantly lower than for any other type of offender. After 3 years, drug offenders' recidivism rates were significantly lower than those of violent or property offenders, but they were higher than for those charged with public-order crimes.

Appendix

Appendix tables 1-3 present data on the conviction and sentencing of Federal offenders based on the type of offense at conviction, rather than the type charged at case filing. Further, these tables separate misdemeanor convictions from felony convictions. (A felony is an offense punishable by death or a term of imprisonment exceeding 12 months.) These tables are suitable for comparison with published statistics concerning sentences of offenders convicted in State courts.

Appendix table 4 presents data on imposed sentence lengths excluding prison sentences of less than 6 months that are combined with terms of probation (split sentences).

Methodology

The data tabulations in this report were computed using the BJS Federal Justice Statistics data base, maintained by Abt Associates, Inc. The source files for this report were provided by the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, and the U.S. Parole Commission. Data on convictions and sentencing include Federal District Court cases brought by U.S. attorneys and the Criminal Division of the Department of Justice. Except as specifically noted, years cited are calendar years.

Drug violations were classified on the basis of United States Code citations into four categories: distribution or manufacture, importation, possession, and general trafficking and miscellaneous drug offenses. The possession category includes only those charged with possession without intent to distribute; those charged with possession with intent to distribute are classified under the distribution/manufacture category. After 1981 the general trafficking category primarily includes persons charged under those sections of the code that were designed to combat organized crime and that do not distinguish between the distribution, manufacture, importation, or possession of drugs. Where possible, data are also classified according to the drug involved in the alleged violation. Classifications are based on the most serious offense with which the individual was charged at case filing unless otherwise noted.

The classification of offenses as drug offenses and non-drug offenses in this report is based primarily on offense codes established by the Administrative Office of the U.S. Courts. Data records from the U.S. Attorneys' Docket and Reporting System that did not

Appendix table 2. Sentencing of Federal offenders, by charge level and conviction offense, 1986

Offense	Percent of convicted offenders, by charge level and type of sentence											
	Felony						Misdemeanor					
		Incarceration*						Incarceration*				
	All felonies	All incarceration	Incarceration only	Incarceration plus probation	Probation*	Fine only	All misdemeanors	All incarceration	Incarceration only	Incarceration plus probation	Probation*	Fine only
All offenses	100%	67%	46%	21%	32%	1%	100%	15%	8%	7%	52%	33%
Drug offenses	100%	83%	65%	19%	16%	0%	100%	22%	12%	10%	70%	8%
Distribution/ manufacture	100	83	64	19	17	0	100	0	0	0	100	0
Importation	100	83	68	16	16	0	0	0	0	0	0	0
Possession	100	89	81	8	11	0	100	22	12	10	70	8
General trafficking/ miscellaneous	100	92	78	14	8	0	100	0	0	0	100	0
Non-drug offenses	100%	59%	37%	22%	40%	2%	100%	14%	8%	7%	51%	35%
Violent	100	87	75	13	12	0	100	32	25	7	48	20
General property	100	63	41	22	36	1	100	13	7	7	66	20
Fraudulent property	100	47	24	23	51	2	100	16	11	5	78	5
Regulatory	100	47	29	18	44	10	100	16	9	7	68	15
Public-order	100	66	42	24	33	1	100	13	6	7	39	48

Note: Percents may not equal totals because of rounding. Includes all incarceration sentences except life and other indeterminate sentences.

*May include fines.

include the Administrative Office's offense code were categorized by converting the offense's U.S. Criminal Code Title and Section into corresponding Administrative Office offense codes. Data records from the U.S. Parole Commission's decision hearing (PDH) file were classified according to offense codes used by the Parole Commission. Categories of offenses in all the data tables are defined similarly, regardless of the source of the data used to derive the tabulations.

Neither the length of time actually served by prison inmates nor recidivism by prison inmates to new terms of imprisonment is included as a data item in any Federal agency's files. For the present study, an indicator of recidivism was deduced by using the U.S. Parole Commission's PDH file, which contains information about inmates sentenced for terms of 12 months or longer. The PDH file is continually updated; these calculations were based on a January 1987 copy of the file. Inmates whose initial parole hearing occurred in October 1977 or later were included in the analysis; prior to this date the nature of the inmate's offense was not recorded in the data file.

Each record in the PDH file describes the outcome of a single parole hearing, together with any regional or national appeals of the results of the hearing. Thus, a prison inmate may have multiple records of parole hearings. Records showing a revocation hearing after release indicate that the inmate recidivated while on parole. Records showing a new initial hearing after release on parole indicate either that the inmate committed an offense while on parole or was imprisoned for more than 12 months on a new offense after completing the previous sentence. For this report, recidivism includes either parole revocation or commitment to Federal prison on a new offense. A statistical technique called "survival analysis" was used to estimate the 1-year and 3-year recidivism percentages shown in table 14. Survival analysis takes into account data from inmates who did not recidivate prior to the January 1987 ending date of the file. (Such data are called censored observations.) The recidivism statistics are averages for inmates who were released from prison over the entire period studied.

Appendix table 3. Average length of incarceration sentences for Federal offenders, by charge level and conviction offense, 1986

Offense	Average sentence length	
	Felony	Misdemeanor
All offenses	55 mos.	8 mos.
Drug offenses	63 mos.	11 mos.
Distribution/ manufacture	63	•
Importation	53	•
Possession	59	11
General trafficking/ miscellaneous	193	•
Non-drug offenses	49 mos.	7 mos.
Violent	134	10
General property	40	8
Fraudulent property	34	9
Regulatory	44	13
Public-order	35	6

Note: Includes all incarceration sentences except life and other indeterminate sentences.
•No cases of this type occurred in the data.

Appendix table 4. Average length of incarceration sentences for Federal offenders, excluding split sentences, by offense charged at filing, 1986

Offense	Average sentence length
All offenses	64 mos.
Drug offenders	70 mos.
Distribution/manufacture	69
Importation	73
Possession	51
General trafficking/ miscellaneous	188
Non-drug offenses	58 mos.
Violent	136
General property	44
Fraudulent property	42
Regulatory	55
Public-order	43

Note: Excludes incarceration sentences of 6 months or less as a condition of probation (split sentences) as well as life and other indeterminate sentences.

This Bureau of Justice Statistics Special Report was prepared by Jan Chaiken and Douglas McDonald of Abt Associates, Inc., under the supervision of Carol Kaplan, chief, BJS Federal statistics and information policy branch. The report was edited by Frank D. Balog. Marilyn Marbrook, publications unit chief, administered report production, assisted by Christina Roberts, Yvonne Shields, Tina Dorsey, and Jeanne Harris.

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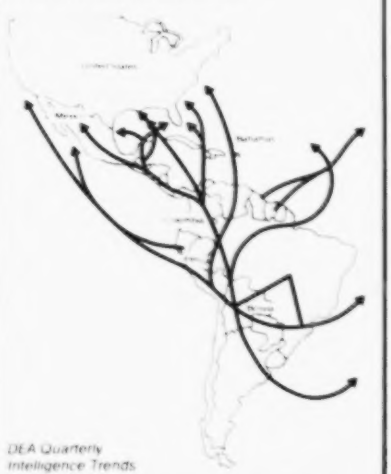

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